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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,190	10/30/2003	Mark Steven Berkland	FVC-002-002	8182

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INNOVATION MANAGEMENT SCIENCES
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EXAMINER

BAROT, BHARAT

ART UNIT	PAPER NUMBER
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2155

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/697,190

Applicant(s)

BERKELAND ET AL.

Examiner

Bharat N. Barot

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 36-44 are rejected under 35 U.S.C. 101 because the claimed-invention of the claims 36-44 are directed to the non-statutory subject matter. Claim 36 recited "A computer program product...comprising a computer usable medium and a computer program mechanism.....having computer program code..." which is non-statutory as not being tangibly embodied in a storage medium and in a manner so as to be executable by a computer/processor.

Claim Rejections - 35 USC § 103(a)

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al (U.S. Patent No. 5,916,302) in view of Schuster et al (U.S. Patent No. 6,577,622).

6. As to claim 1, Dunn et al disclose a multipoint conferencing system for use in a computer network (see abstract; and figures 3-4 and 11), comprising: a conference server coupled to the network; and a link manager (conference management) coupled to the network, wherein the link manager is configured to selectively assign the conference server for the conference endpoints, to communicate at least first control signals to the selectively assigned conference server to establish first communication links (PSTN links) between the selectively assigned conference server and the conference endpoints, and to communicate second control signals to the selectively assigned conference server to establish second communication links (modem links) between the selectively assigned conference server through which the conference endpoints participating in a same multipoint conference communicate (figures 3-4 and 11; column 8 line 51 to column 9 line 48; and column 12 line 23 to column 14 line 61).

However, Dunn et al do not explicitly disclose that multipoint conferencing system, comprising: a plurality of conference servers coupled to the network; and a link manager coupled to the network, wherein the link manager is configured to communicate second control signals to the selectively assigned conference servers to establish second communication links among the selectively assigned conference servers through which the conference endpoints participating in a same multipoint conference communicate.

Schuster et al explicitly disclose a multipoint conferencing system for use in a computer network (see abstract; and figure 2), comprising: a plurality of conference servers coupled to the network; and a link manager coupled to the network, wherein the link manager is configured to communicate second control signals to the selectively assigned conference servers to establish second communication links among the selectively assigned conference servers through which the conference endpoints participating in a same multipoint conference communicate (figures 2-4 and 10A-10B; column 7 line 21 to column 10 line 56; column 22 line 14 to column 24 line 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Schuster et al stated above in the multipoint conferencing system of Dunn et al because it would have improved managing and controlling a multipoint conferencing system and increased the flexibility, reliability, and performance scalability of the network and the multipoint conferencing system.

7. As to claims 2-3, Dunn et al disclose that at least one of the conference servers has a first interface that is behind a firewall and a second interface that is in front of the firewall; and a link manager is configured to automatically establish a first communication link between one of the first interface and the second interface and the conference endpoint according to at least in part a location of the conference endpoint relative to the firewall (figure 11; column 13 line 10 to column 14 line 30).

8. As to claim 4, Schuster et al disclose that the link manager is configured to automatically establish a second communication link between one of the first interface and the second interface and another one of the conference servers according to at least in part a location of the second conference server relative to the firewall (figures 2-4; and column 10 line 57 to column 12 line 27).

9. As to claim 5, Schuster et al disclose that the link manager is configured to detect at least an endpoint identification of the conference endpoints (columns 9-10; and column 25 lines 14-20, 23-32, and 41-51).

10. As to claims 6-7, Schuster et al disclose that the link manager is configured to selectively assign at least some of the plurality of conference servers to conference endpoints according to endpoint identifications of the conference endpoints; and link manager is configured to compare endpoint identifications to a plurality of pre-determined sets of endpoint identification values, wherein each set is associated with at

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least one of the plurality of conference servers (figures 2-4 and 10A-10B; column 7 line 21 to column 10 line 56; column 22 line 14 to column 24 line 8).

11. As to claim 8 and 10, Schuster et al disclose that one set of the pre-determined endpoint identification values correspond to addresses of a first network, and wherein another set of pre-determined identification values correspond to addresses of a second network; and the endpoint identifications comprise IP addresses and wherein each set of endpoint identification values comprises a pre-determined IP address range (figures 2 and 11; columns 9-10; column 24 lines 9-23; and column 25 lines 14-20, 23-32, and 41-51).

12. As to claim 9, Dunn et al disclose that the first network and the second network are separated by a firewall (figure 11; column 13 line 59 to column 14 line 30).

13. As to claim 11, Schuster et al disclose that the endpoint identifications comprise E.164 addresses and wherein each set of endpoint identification values comprises a pre-determined E.164 prefix (column 25 lines 21-22).

14. As to claims 12-19, they are also rejected for the same reasons set forth to rejecting claims 1-11 above, since claim 6 does not teach or define any new limitations than above rejected claims 1-11.

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15. As to claims 20-25, they are also rejected for the same reasons set forth to rejecting claims 1-11 above. Additionally, Dunn et al disclose a link manager coupled to the network, the link manager is configured to set up an impromptu multipoint conference involving the conference endpoints without requiring prior knowledge of an endpoint identification of at least one of the conference (figure 11; and column 14 lines 31-61).

16. As to claims 26-30, they are also rejected for the same reasons set forth to rejecting claims 1-11 above, since claims 26-30 are merely the method of operations for the apparatus defined in the claims 1-11 and contain similar limitations rejected in the claims 1-11.

17. As to claims 31-35, they are also rejected for the same reasons set forth to rejecting claims 1-11 above, since claims 31-35 are merely the means plus functions for the apparatus defined in the claims 1-11 and contain similar limitations rejected in the claims 1-11.

Additional References

18. The examiner as of general interest cites the following references.

- a. Burg, U.S. Patent No. 7,039,040.
- b. Dunlap et al, U.S. Patent No. 6,760,749.
- a. Mattaway, U.S. Patent No. 6,728,784.
- b. Biggs et al, U.S. Patent No. 5,625,407.

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Contact Information

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

Bharat Barot.
BHARAT BAROT
PRIMARY EXAMINER

Patent Examiner Bharat Barot

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January 23, 2007